IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

STATE OF MISSOURI ex rel. CHRIS KOSTER,

Respondent,

v.

GREGORY S. WADLOW,

Appellant.

DOCKET NUMBER WD75512

MISSOURI COURT OF APPEALS WESTERN DISTRICT

DATE: April 30, 2013

APPEAL FROM

The Circuit Court of Cole County, Missouri The Honorable Jon E. Beetem, Judge

JUDGES

Division I: Witt, P.J., and Newton and Pfeiffer, JJ.

CONCURRING.

ATTORNEYS

Chris Koster, Attorney General Jose Caldera, Assistant Attorney General Jefferson City, MO

Attorneys for Respondent,

Gregory S. Wadlow Jefferson City, MO

Appellant, pro se.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI ex rel KOSTER,	. CHRIS)	
KOSTEK,)	
v.	Respondent,)	OPINION FILED:
)	April 30, 2013
GREGORY S. WADLOW,)	
)	
	Appellant.)	

WD75512 Cole County

Before Division I Judges: Gary D. Witt, Presiding Judge, and Thomas H. Newton and Mark D. Pfeiffer, Judges

Gregory Wadlow, a prison inmate, appeals the Circuit Court of Cole County's denial of his Rule 74.06 motion for relief from judgment after the State seized ninety percent of a fifteen-dollar gift Wadlow's wife sent him. On appeal, Wadlow argues that the State could only have seized the funds pursuant to a 2009 judgment under the Missouri Incarceration Reimbursement Act, §§ 217.825-217.841, RSMo 2000 ("MIRA"), that allowed the State to seize much of a workers' compensation settlement Wadlow had received. Wadlow also argues that the MIRA could only have allowed the State to attach the assets Wadlow had at the time of his MIRA hearing, which did not include the gift he received from his wife some three years later.

REVERSED.

Division I holds:

The MIRA allows the attorney general to file a complaint seeking reimbursement for the costs of an inmate's care when there is good cause to believe that the inmate has sufficient assets to recover not less than ten percent of the estimated cost of care of the inmate or ten percent of the estimated cost of the offender for two years, whichever is less. The plain language of the MIRA limits the State's recovery to ninety percent of an inmate's assets at the time of adjudication. Because Wadlow's fifteen-dollar gift, received in 2012, was not an asset Wadlow owned at the time the prior MIRA action was adjudicated in 2009, it was not properly seized

pursuant to the 2009 judgment. Accordingly, the circuit court abused its discretion in failing to grant Wadlow's Rule 74.06 motion.

Opinion by: Mark D. Pfeiffer, Judge April 30, 2013

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